IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the May 17th, 2006

Criminal Misc. Bail Application No. 417 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Amit S/o Om Singh
R/o village Mudlana
P.S. Manglaur
District Haridwar ..….Applicant

Versus

State of Uttaranchal …..Opposite Party

Arising out of case crime No.51 of 2005
Under Sections 323, 302 IPC
P.S. Manglaur
District Haridwar

Hon'ble J. C. S. Rawat, J.

Heard Sri S. P. S. Panwar learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The case diary is available with the learned AGA. According to the prosecution case, on 03.03.2005 the deceased and his elder brother Pradeep went to irrigate their fields situated in the jungle of village Sikanderpur. When they reached there they found one-Om Singh and his son Amit (present applicant) irrigating the field which belonged to the complainant. Om Singh and his son Amit had cut the boundary of the field of the complainant. When the complainant and his younger brother objected them not to do so, the accused persons started assaulting them by 'lathi' and 'sariya'. The accused persons caught hold of Sonu and assaulted him with 'lathi' and 'sariya'. The injuries were caused upon Sonu by which he became unconscious and his brother ran away from the spot. Pradeep, Mange Ram, Incharam and Rishipal @ Relu are the eye-witnesses of the incident. They have categorically stated that they have seen the occurrence. It was pointed out that the incised would was found on the body of the deceased. It is a corroborative piece of evidence and the eye-account is there are the applicant is the main assailant. Considering the facts and circumstances of the case, it is not a fit case for bail. Therefore, the bail application is hereby rejected. Rejected.

(J.C.S. Rawat, J.)

Dated 17.05.2006

LSR